

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)
v.) MDL No: 1:13-md-2419-FDS
)
This Document Relates to:)
)
Montee v. BKC Pain Specialists LLC, et al.,)
No: 1:13-cv-12657-FDS)
)
Cooper v. BKC Pain Specialists, LLC, et al.)
No: 1:13-cv-12658-FDS)
)
Cooper v. BKC Pain Specialists, LLC, et al.)
No: 1:13-cv-12659-FDS)
)

**MOTION OF THE DEFENDANTS TO FILE
MEMORANDUM OF LAW IN SUPPORT OF MOTION
TO DISMISS IN EXCESS OF TWENTY (20) PAGES**

NOW COME the unaffiliated defendants, BKC Pain Specialists, Adil Katabay, M.D. and Nikesh Batra, M.D. in the above referenced matters and hereby move this Honorable Court for leave to file a memorandum of law in support of their motion to dismiss in excess of twenty (20) pages.

In light of the complexity and number of the legal claims against the defendants, the requested length of a memorandum related to these three matters is necessary in order to properly address and apprise the court of the legal arguments pertaining to all claims and as to all parties. As this Court is aware, this is an extremely complicated matter that, in this instance, involves complicated matters of Ohio law.

As such, the complexity of this case makes it impossible to address the legal issues in just twenty (20) pages. The defendants estimate that they will require up to thirty-five (35) pages for their memorandum in support of their motion to dismiss.

WHEREFORE, the defendants, BKC Pain Specialists, Adil Katabay, M.D. and Nikesh, Batra, M.D., respectfully request that Defendants' Motion to File a Memorandum of Law in Support of their Motion to Dismiss in Excess of Twenty (20) Pages be ALLOWED.

Respectfully Submitted
The Defendants
BKC PAIN SPECIALISTS, ADIL KATABAY,
M.D. and NIKESH BATRA, M.D.,
By their attorney,

/s/ Tory A. Weigand

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on **February 6, 2014**

/s/ Tory A. Weigand

Tory A. Weigand, BBO #548553
Anthony E. Abeln, BBO #669207
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210-1181
(617) 439-7500
tweigand@morrisonmahoney.com
aabeln@morrisonmahoney.com

LOCAL RULE 7.1 CERTIFICATION

The undersigned counsel for the defendant hereby certifies that he has conferred with counsel in this matter, in a good faith attempt to resolve or narrow the issues of dispute raised in the accompanying motion, in accordance with Local Rule 7.1. Counsel for the plaintiff assents to the filing of this motion.

/s/ Tory A. Weigand
